

Name of Applicant	Proposal	Expiry Date	Plan Ref.
N/A	Residential development comprising 109 dwellings together with access, parking, landscaping and associated works  Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	12.08.2021	21/00778/FUL

**RECOMMENDATION:**

- (a) MINDED to **GRANT** full planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
  - (i) £5,694.00 as a contribution towards the provision of wheelie bins for the scheme.
  - (ii) £41,262.00 as a contribution towards the extension of New Road Surgery, Rubery and/or Cornhill Surgery, Rubery.
  - (iii) £21,203.00 as a contribution to be paid to the Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large.
  - (iv) The securing of 10% provision (11 units) of on-site affordable housing.
  - (v) £33,572.00 Cofton Park - contribution towards improvements to access, signage and security and outdoor fitness equipment including additional maintenance costs.
  - (vi) £67,144.00 Lickey Hills Country Park - contribution to be applied towards the refurbishment of the toposcope (the folly) and car park at Beacon Hill also general refurbishment of paths and improvements to accessibility inclusive of additional maintenance costs to other key areas such as Warren Lane, Upper Car Park and Visitor Centre car park.
  - (vii) £27,468.00 Cofton Hackett open space enhancements - general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
  - (viii) Planning Obligation Monitoring Fee: £TBC
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report

## **Consultations**

### **Cofton Hackett Parish Council**

Members of Cofton Hackett Parish Council have viewed the revised scheme and are pleased to see a much more sympathetic design and particularly the removal of the 5-storey apartment block. Accordingly, we currently have no objections to this application.

### **Birmingham City Council**

Request a contribution towards enhancing existing open space areas at the Lickey Hills and Cofton Park.

### **Highways - Bromsgrove Consulted 18.05.2021**

No objections and recommend conditions.

### **Birmingham City Council - Highways**

No objections to this latest layout and recommend an advisory in respect to Section 278 of the Highways Act 1980.

### **Housing Strategy**

If the Council is satisfied with the viability report then there is little we can do about reduction to 10%. Concern that the units are placed in the same locality.

### **Education Department at Worcestershire**

An education contribution was paid under S106 agreement dated 1st November 2012 which included dwellings proposed on this development. No further mitigation or S106 contribution is therefore required.

### **Node – Urban Design**

The scheme has been amended considerably since the previous version which had a large apartment building fronting onto Groveley Road. This element has now been removed and replaced with more traditional lower density housing with the scheme providing 109 units. The central road running east / west has been given a central alignment and is more in keeping with the original outline consent and will help the legibility of the scheme. The layout is generally in perimeter blocks with the back gardens enclosed within the perimeter of the blocks.

A pedestrian/ cycle link is provided north/ south adjacent to a private drive which does improve connectivity over the original scheme which did not have a connection at this point and its width and overlooking of houses helps with visual security.

The scheme now has removed the small pocket park which would have provided an amenity space for the apartments and for small children. It is assumed that play space requirements are being provided off site as no amenity space is now provided on site?

With regard to the storey height plan, there is a logic to have higher elements around the square in the centre of the site and to terminate vistas. However, it would have made more sense to have three storey elements at key corners and fronting onto Groveley Road on the western edge of the site as well to create a greater sense of enclosure to Groveley Lane and to signify the importance of the corners.

It is good to see more parking is now placed between properties so reduce visual impact but a number of large runs or parking still dominate in a number of locations.

### **North Worcestershire Water Management**

The details submitted as part of this application with respect to drainage and flood risk are acceptable. Recommend drainage condition.

### **Severn Trent Water Ltd**

No Comments submitted.

### **NHS/Medical Infrastructure Consultations**

The proposed development is likely to have an impact on the services of 2 GP practices. The GP practices do not have capacity for the additional growth resulting from this development. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Redditch & Bromsgrove CCG would therefore expect these impacts to be fully assessed and mitigated.

A Healthcare Impact Assessment (HIA) has been prepared by Redditch & Bromsgrove CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the existing GP practices that do not have capacity to accommodate the additional growth resulting from the proposed development. The primary healthcare services directly impacted by the proposed development are Cornhill Surgery and New Road Surgery.

### **NHS Acute Hospitals Worcestershire**

Request a contribution to enable the Trust to provide services needed by the occupants of the new homes and the community at large.

### **Sports And Leisure Services Manager**

There is limited open space within the proposed development. However, development is reasonably close to Cofton Park. This Park is managed and maintained by Birmingham City Council and provides the opportunity for community cohesion for new residents and within the wider development of Longbridge and includes multiple play, open space and sports facilities to offer. We would recommend an offsite contribution for Play/Sport and POS to enhance these existing assets.

### **Waste Management**

Proposal acceptable from a waste collection perspective.

### **Arboricultural Officer**

The main area of the site contains no vegetation or trees stock only a limited amount of generally young and insignificant trees line some sections of the perimeter of the with the adjoining railway to the east and road network to the north and west. The plans show an intention to retain some of the existing trees. The development would not create any conflict with the trees shown for retention. No objection to the proposed development in view of any tree or landscaping issues.

### **Cadent Gas Ltd**

Recommend an informative.

### **Environment Agency**

The previous use of the proposed development site and adjacent land as motor works presents a high risk of contamination that could be mobilised during construction to further pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer and is linked to a nearby surface water course.

Recommend conditions requiring an ongoing monitoring programme and further assessment, remediation and verification if monitoring shows this to be necessary.

### **WRS - Contaminated Land**

The site was previously part of the MG Rover engine manufacture and aluminium casting site. There have been several stages of remediation at the site, all reports relating to which appear to have been approved. The development platform is now ready for construction to begin. However, there are some outstanding remedial requirements that will need to be undertaken. Recommend a tiered investigation condition.

### **WRS - Noise**

Recommend a condition to ensure the recommendations of the noise assessment relating to glazing, ventilation and acoustic boundary fencing, detailed in Section 8, should be implemented. No objection to the application in terms of noise adversely impacting future residents.

### **WRS - Air Quality**

No objections, recommend conditions.

### **West Mercia Constabulary**

No objection to this application.

### **Community Safety**

Recommend that the developer considers application for Secured by Design Gold or Silver Award in respect of the development; and carefully consider potential security concerns in respect to build phase security, external lighting, gates, doors and windows.

### **Network Rail**

Comments awaited.

### **CPRE**

A minimum of 700 dwellings should be provided across the site, with a density of 40-50 dwellings per ha (dph). The proposal would provide a shortfall in the overall total required for the East Works site. Concern about the limited affordable housing provision proposed for the site. Reference to the layout of the scheme and house types.

### **Public Consultation**

Site notice erected 25.05.2021

Press notice 28.05.2021

Neighbour consultation 21.5.21

3 written responses submitted:-

1 objection letter

No additional infrastructure is in place for these extra residents e.g school places, GPs, police, shops, bus routes.

1 representation

Request traffic calming. Traffic speeds are a concern at junction of Lowhill Lane and Groveley Lane. With more families and children moving to the area it is important to consider this as an urgent safety concern.

1 letter of support

This is a much better plan which will be in-keeping with the rest of the housing on the Longbridge East site. Only concern is that there is only 10% affordable housing to be provided.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP12 Sustainable Communities

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure

BDP25 Health and Well Being

#### **Others**

Longbridge Area Action Plan

Bromsgrove High Quality Design SPD

Blackwell and Lickey and Cofton Hackett Neighbourhood Plan

SPG11 Outdoor Play Space

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

National Design Guide

### **Relevant Planning History**

19/01396/ADV 5no. flags on poles

Approved 29 January 2020

19/01395/FUL Full planning application for a temporary sales area, including sales cabin and associated car parking, together with advertisement consent for the display of 5 flags on poles

Approved 29 January 2020

19/01153/REM Application for the approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline permission ref. 16/1085 for residential development consisting of 150 dwellings together with access, parking, landscaping and associated works.

Withdrawn 13 January 2021.

19/01152/FUL Full planning permission for residential development consisting of 18 dwellings (phase 3a) together with access, parking, landscaping and associated works.  
Withdrawn 13 January 2021.

16/1087      Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure.  
Land off East Works Drive, Cofton Hackett  
Approved 27 July 2017

16/1085      Hybrid application: Outline Planning Permission for 150 dwellings with some matters reserved for future consideration (appearance, landscaping, layout and scale)  
Full Planning Permission for a Community Facility including details of access and associated car parking, landscaping, drainage and other associated infrastructure.  
Approved 27 July 2017

15/0819      Erection of 41 dwellings, landscaping and associated development infrastructure.  
Approved 9 Feb 2016

14/0239      Deletion of condition 27 attached to 11/0750 in respect of timing for delivery and nature of off-site highway works to Groveley Lane.  
Approved      08.04.2015.

12/0160      Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access  
Approved 23 April 2012.

11/0882      Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.  
Approved 12 Nov 2012.

11/0750      Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).  
Approved 2 Nov 2012.

11/0748      Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).  
Withdrawn.

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway

access and infrastructure, drainage flood storage areas, public art and street furniture (outline).

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts: Approved 18.03.09.

### **Proposal Description**

The application is phase 3 of the overall redevelopment of Longbridge East. This scheme provides 109 units and comprises of the following mix of development:-

98 Open market housing units

11 No. 2 bed dwellings

44 No. 3 bed dwellings

43 No. 4 bed dwellings

11 Affordable housing units (7 Social Rent and 4 Shared Ownership)

4 No. 2 bed maisonettes

2 No. 1 bed maisonettes

2 No. 2 bed dwellings

3 No. 3 bed dwellings equating to 10% affordable housing.

The proposed layout shows the majority of the housing to be served off East Works Drive with two access points. Two vehicular access points off Groveley Lane are also proposed to serve 11 units.

The site is currently set at a lower level to the west of the site adjacent to Groveley Lane. However, it is intended that levels will be increased to enable plots 8 -15 to be closer to street level, providing much improved pedestrian access from the site to Groveley Lane

The units are a mix of 2 and 3 storey and would be in a variety of designs, materials / colours to add interest to the streetscene. Some plots have single garag

### **Site Description**

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Mature and substantial tree planting exists along the western and southern boundaries of the site.

### **Assessment of Proposal**

#### **Principle**

Members may recall that outline planning permission was granted for 150 dwellings on this area of land under a hybrid application ref: 16/1085. Condition 4 was imposed on the hybrid application which restricted the reserved matters application to a total number of no less than 145 dwellings and no more than 150 dwellings.

Members will also recall that a reserved matters application (19/01153/REM) and a full application for residential development (19/01152/FUL) were considered and deferred at Planning Committee in September 2020.

Concerns raised by Members related to potential overshadowing from the proposed 5 storey apartment building, and whilst Members were aware of the Council's 5 year housing land supply, concerns about the size and location of the proposed 5 storey apartment building needed to be reconsidered by the applicant. Other concerns related to the introduction of a through road within the scheme, onto Groveley Lane to the north, and the potential for a "rat-run" into the wider Longbridge East scheme. Objections to the scheme referred to the apartment building as well as the access arrangements. Members resolved to defer the applications to enable officers to negotiate improvements to the schemes.

Although the applicant made changes to the two applications, they considered it more appropriate to withdraw the applications completely taking into account local resident and Member views and reconsider the whole scheme.

This application is a revision of the whole site and shows the omission of the apartment building, the omission of the no through road, and a reduction in the total number of dwellings proposed for the site.

The key changes to this application are as follows:-

- 109 units proposed, some with single garages.
- There is no large scale apartment building proposed, the scheme provides traditional housing of 2 – 3 storeys.
- There is no longer a vehicular access that runs through the scheme. However, cycle and pedestrian access (active travel route) is still provided in order to maintain connectivity between the scheme and other phases of the East Works development.
- A wider pedestrian/cycle access is proposed off Groveley Lane. This provides a much improved pedestrian/cycle access from the site to Groveley Lane and the public transport network. This link is highly visible and will be viewed from the proposed crossroads that forms part of the overall layout.
- Due to the proposed increase in site levels, the dwellings fronting Groveley Lane will provide an improved streetscene to the area.

Members will be aware that under the outline application reference 16/1085, the site is designated for housing in the Longbridge Area Action Plan (LAAP) which is part of the Development Plan for Bromsgrove District and specifically applies to the Longbridge area. The LAAP is a shared document with Birmingham City Council and is the starting point for decisions and any development in this area should be determined in accordance with this plan unless material considerations indicate otherwise.

Proposal H2 of the LAAP applies and requires a minimum of 700 dwellings to be provided on the East Works site providing a mix of sizes, types and tenures. Members will recall that when considering the outline aspect of the hybrid application it was accepted that the minimum requirement of 700 units would not be achieved overall in this location based on



the numbers currently developed and approved and a shortfall of 95 dwellings was anticipated.

East Works site

Phase 1 scheme	= 229 dwellings	(already built)
Phase 2a scheme	= 41 dwellings	(already built)
Phase 2b scheme	= 185 dwellings	(under construction)
Phase 3 scheme	= 109 dwellings	(this application)

Proposed total = 564 dwellings (shortfall 136 dwellings)

The two previous withdrawn schemes (19/01152/FUL and 19/01153/REM) would have provided a total of 168 dwellings resulting in an overall shortfall of 77 dwellings for the East Works site. However, 57 units were proposed within the 5 storey apartment building of the reserved matters application which ultimately increased the density of the scheme to 54dph. Members will recall the extent of objection to the 5 storey apartment building and as such this aspect of the development has now been omitted from the current scheme, however, this does have an impact on the total number of dwellings for the East Works site and ultimately the overall shortfall. The current application will result in a shortfall of 136 dwellings. It is noted that the overall shortfall is more than that considered under the outline application 16/1085 (a difference of 41 units between the outline application and the current scheme).

Proposal H2 requires an overall density of 40 - 50 dwellings per hectare to be achieved. The aspiration was that the northern part of the East Works site be developed at a higher density enabling the southern part of the site to be developed at a lower density, where the impact of development would be greater adjacent to rural surroundings. The density of the outline scheme at the time of consideration was based on 52 dwellings per hectare (dph). The current proposal would provide a density of 34 dph. Whilst this would be lower than that required under Proposal H2 it would still be comparable with the previous approved phases.

Phase 1 = 30- 45 dph

Phase 2a = 30-40 dph

Phase 2b = 30-40 dph

The LAAP requires a minimum target of 1450 dwellings in Longbridge overall this also includes the provision of housing required in the Birmingham administration area. At the time of the outline scheme, Officers at Birmingham City Council confirmed that permissions granted for housing in the LAAP would be in excess of 1450 dwellings, and that whilst there would be a shortfall on the East Works site, the overall delivery of housing in Longbridge would be expected to be more than the 1450 originally envisaged in the LAAP. Birmingham City Council have not expressed any objection to the proposed number of dwellings in this application and an update on the LAAP figures in Birmingham is anticipated.

Although the scheme provides less housing than that anticipated in the outline approval, the scheme addresses the main concerns raised as a result of the withdrawn schemes. In addition to providing adequate off street car parking provision, and ensuring the scheme complies with spacing requirements, the scheme is of a density closer to the previous

phases and the surrounding area, resulting in an improved development for this area of Cofton Hackett. The dwellings fronting Groveley Lane at street level further enhances the development overall.

Proposal H2 of the LAAP requires 35% of dwellings to be affordable. The scheme provides 10% affordable housing totalling 11 units, comprising 2 No. 1 bed and 4 No. 2 bed maisonettes, and 2 No. 2 and 3 No. 3 bed dwellings. The design of these properties are similar to those within the scheme. The affordable housing in this application would be located together towards the north east of the site.

The provision of affordable housing in this application is lower than that required under Proposal H2 of the LAAP. Affordable housing provision sought under Proposal H2 of the LAAP is more than what would generally be sought under policy BDP8 of the Bromsgrove District Plan (BDP) (30% on a brownfield site). However, 10% affordable housing is proposed for this scheme and a Viability Statement has been submitted to justify the reduced provision of affordable housing. Strategic Housing note that there is a Viability Statement in respect to the reduced provision of affordable housing and accept the findings should the Council's Viability Advisor consider it to be satisfactory. Strategic Housing refer to the positioning of the units, however, the positions of the units concerned are similar to those that were indicated on the withdrawn applications.

Policy BDP2 of the Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works; therefore, redevelopment of this site for housing would comply with this policy.

Policy BDP1 of the District Plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. It is considered that the scheme would comply with this policy, as well as core planning principles set out in the NPPF.

In respect to the Blackwell and Lickey Hills and Cofton Hackett Neighbourhood Plan, the Plan acknowledges the anticipated number of units proposed to be built on the East Works site. Policy BD2 of the Neighbourhood Plan encourages new development to respond sympathetically to the settlement concerned. New development should respond positively to its setting through detailing, appropriate use of materials, scale, height and massing. Schemes should demonstrate how they enhance and add visual interest to the local area. This proposal would be in scale and in keeping with the surrounding development and would not have an adverse impact on local residential amenity and as such would comply with policies BD2 and H1 of the Neighbourhood Plan.

The overall scheme accords with paragraph 50 of the NPPF that encourages a wide choice of high quality homes, wider opportunities for home ownership and create sustainable, inclusive and mixed communities. The principle of residential development would comply with the NPPF, the LAAP, District Plan, Neighbourhood Plan and is acceptable.

### **Layout and Scale**

The layout comprises of a combination of 2 and 3 storey dwellings. House types have dual aspect particularly those located on corner locations in order to enhance the streetscene. Following on from concerns raised under the previous withdrawn applications, it is considered that the overall scheme addresses concerns raised by residents as well as Members. The provision of dwellings fronting Groveley Lane at street level enables the properties to form part of the streetscene and enables valuable pedestrian/cycle links

Given that the site is adjacent to the railway line, an acoustic condition is recommended to reduce any potential noise for plots close to the railway line.

The layout generally complies with the spacing requirements set out in the Bromsgrove District Council High Quality Design SPD.

### **Urban designer comments**

The Urban Designer notes that the scheme has been amended considerably since the withdrawn applications which included a large apartment building fronting onto Groveley Road. This element has now been removed and replaced with more traditional lower density housing with the scheme providing 109 units. The central road running east / west has been given a central alignment and is more in keeping with the original outline consent and will help the legibility of the scheme.

A pedestrian/ cycle link is provided north/ south adjacent to a private drive which does improve connectivity over the original scheme which did not have a connection at this point and its width and overlooking of houses helps with visual security.

With regard to the storey height plan, the higher elements around the square in the centre of the site are logically positioned and will serve to terminate vistas.

### **Highways and access**

Members will recall that the withdrawn applications showed a vehicular access flowing between the two schemes. This was encouraged to provide improved connectivity overall. Following on from concerns raised by local residents and Members, the vehicular link has now been omitted from the current scheme, but cycle and pedestrian access (active travel route) is still maintained. In addition, improved pedestrian access is now proposed at Groveley Lane which enhances connectivity within the site.

A Transport Assessment has been submitted to support the current scheme. During the consultation process, County Highways have requested technical amendments to the layout of the scheme but note that the current application would have less housing than that approved under the outline permission, and will generate fewer trips in both the AM and PM peak periods, when compared to the outline permission. Subsequently, this will result in a lower impact on the highway network than the previous permission. The Highway Authority has undertaken a robust assessment of the planning application and the submitted documents and raises no objection to the proposal subject to conditions. Part of the site will rely on vehicular access from the administration area of Birmingham City Council. Birmingham Highways raise no objection to the scheme.

Whilst access arrangements for the East Works site overall have been designed and built with the anticipation that 700 units and communal facilities would be served off East Works Drive, given that there is likely to be an overall shortfall of 136 units on site means that the access arrangements for the scheme would not be at capacity. Given the access arrangements show 11 units to be served off Groveley Lane would further reduce vehicular traffic using East Works Drive.

The general redevelopment of the Longbridge area has enabled investment in sustainable travel with contributions going towards Centro Park and Ride and improvements to Longbridge Railway Station. Improved facilities in public transport are giving new occupiers more choice, and less reliance on their own car. In addition, wider strategic highway improvements have also been part of the Longbridge redevelopment works such as traffic lights at the junction of Lowhill Lane and Lickey Road as well as other improvements to the A38. Adequate accessibility and connectivity would be provided in this scheme and it is considered that the access arrangements are acceptable providing a sustainable development.

A comment has been made to the scheme regarding Groveley Lane and the request for road junction improvements and traffic calming measures around Cofton Park. However, highway improvements have been carried out in the local vicinity as a result of a financial contribution paid under Phase 1. Worcestershire Highways are not seeking any further contributions as result of these subsequent phases. In addition, as part of County Highways comments, Collision data was obtained within the vicinity of the site from Transport for West Midlands (TfWM). This data covered the most recent five-year period (01/03/2016-28/02/2021). Only three incidents were recorded between this period, two of which were classified as 'slight' with the remaining accident identified as a 'fatal' collision. It should be noted that the fatal collision was a result of the driver being impaired by alcohol. Therefore, following a review of the data, the Highway Authority are satisfied that this does not constitute a serious safety issue and that none of the above accidents were seen to occur due to highway design and/or safety issues.

### **Noise and contaminated land**

No objections and recommend conditions.

### **Neighbour Comments**

Compared to the withdrawn schemes the number of objections are minimal for the current scheme. Comments relate to road safety, and also density of housing which are addressed above. There is also a letter of support for the current scheme. The number of comments submitted overall from local residents does reflect some level of contentment to the current scheme given that the apartment building that provided 57 units has now been omitted and a more traditional housing scheme has been applied instead.

### **Open Space**

A provision of open space is required for the scale of the development. Members will be aware that under the Phase 1 scheme, on site open space has been provided (Arrow Park). Members will be aware under the Phase 2b application (ref 17/1087) two areas of onsite open space facilities have been provided and comply with Proposal OS.6 of the LAAP and suitably link in with the existing Arrow Park to provide a quality landscaped area suitable for formal and informal recreational use, complying with Proposal OS4b of the LAAP.

However, taking into consideration the total number of units proposed for the East Works site and the existing and proposed provision of onsite open space, there would still be a shortfall of open space facilities, and no on site provision is proposed under this phase. Therefore, a financial contribution to enhance an existing open space facility nearby would be a way of addressing this shortfall. Due to the scale of the development the provision of open space is necessary to make the development acceptable, and is directly and reasonably related in scale and kind to the development.

It is accepted that the site is very close to Cofton Park and as such would be the most obvious site for open space enhancements. Bromsgrove Leisure Services have been consulted on this application and refer to the possibility of enhancing Cofton Park as it is adjacent to the site, but officers note that this falls within the administration area of Birmingham and as such would be guided by what Birmingham Leisure Services would recommend. Officers consider that a contribution to provide a new facility/enhance existing facilities at Cofton Park would address the shortfall of open space and would be in accordance with BDP25 of the BDP which encourages the enhancing of existing sport, recreational and amenity assets and acknowledges that existing facilities be enhanced if it is impractical to provide open space typologies on site. The LAAP refers to improvements to Lickey Hills as well as Cofton Park. Given that the Lickey Hills are located within Bromsgrove's administration area and is near to the proposed site it is considered appropriate to enhance this 'amenity asset' too.

It is intended that a contribution will be used to enhance the following:-

- Cofton Park - improvements to access, signage and security and outdoor fitness equipment including additional maintenance costs.
- Lickey Hills Country Park - contribution towards refurbishment of the toposcope (the folly) and car park at Beacon Hill also general refurbishment of paths and improvements to accessibility inclusive of additional maintenance costs to other key areas especially: Warren Lane, Upper Car Park and Visitor Centre car park.

Members will be aware that the Lickey Hills and Cofton Park are managed by Birmingham City Council (BCC). It is envisaged that whilst a S106 Agreement will be drafted in respect to this application. A separate 'Agreement' is proposed to be drafted between BDC and BCC such as a Service Level Agreement or Conditions of Grant Aid Agreement. This would be a legal agreement between the two authorities to ensure BCC be reimbursed once work has taken place on the ground. BCC could provide BDC with a copy of reports that include a cost breakdown showing expenditure and funding sources.

#### Cofton Hackett Enhancements

As there would be a shortfall of open space for the overall scheme, a financial contribution will be sought to provide enhancements to communal facilities in the local area such as improvements to the local allotments and refurbishment of the play area off Chestnut Drive. Improvements to the local car park at Lickey Road as well as incidental works such as planters and benches / cycle signage in and around Cofton Hackett would be included in this contribution. This would be in accordance with policy BDP25 of the BDP which encourages enhancements to existing recreational and amenity assets. As mentioned above, due to the scale of the development the provision of open space is

necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

### **Planning Obligations**

Due to the scale of the development a legal agreement would be required to cover the following matters:-

As mentioned above, a financial contribution will be sought to cover open space enhancements in Cofton Park and Lickey Hills. A financial contribution will also be sought to cover enhancements to Cofton Hackett area.

Under the Worcestershire County's Waste Strategy, a financial contribution will be sought to cover the provision of wheelie bins for each unit.

The site lies within the practice areas of two Worcestershire GP surgeries (Cornhill Surgery, Rubery, and New Road Surgery, Rubery). They are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, a financial contribution will be sought to enable the extension of one/both surgeries concerned.

Worcestershire Acute Hospitals NHS Trust has requested a contribution to enable the body to provide services needed by the occupants of the new homes and the community at large. The Trust has made representations in relation to this application. It is considered that the request made by WAHT is compliant with guidance in the NPPG, the three tests in Regulation 122 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019).

Affordable Housing Provision. To ensure that 11 units (7 social rent and 4 shared ownership) are provided on site and retained as such in perpetuity.

Section 106 monitoring fee, as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

### **Viability Statement**

The applicant has submitted a Viability Statement in respect to this application. The Statement makes reference to the District Plan and Policy BDP8 Affordable Housing where it states that 30% affordable housing on brownfield sites is sought after, but a lower amount of affordable can be accepted in certain circumstances if the applicant can demonstrate that a 30% target cannot be achieved. Proposal H2 of the LAAP requires 35% of affordable housing as mentioned above. However, the Viability Statement refers to Part D of the LAAP - Delivery and Implementation. The challenges of delivery of the LAAP proposals across the Longbridge area raise obvious issues in terms of site remediation, demolition and new infrastructure requirements, which are well documented in the LAAP and have meant that the viability of the proposals have been a feature of many of the planning applications at Longbridge.

Reference is made in the Statement that the withdrawn reserved matters application and full application would have been policy compliant of affordable housing of 35% along with

other planning contributions. Changing the scheme to a lower density of traditional housing in response to the debate on the previous applications has had a significant impact on the density achievable and viability of the scheme. As such a policy compliant level of affordable housing and planning contributions can no longer be provided at the lower density.

The Statement makes reference to the hybrid application which included full permission of the community centre as well as the outline approval for upto 150 dwellings. Reference is made to the fact that the community centre of the hybrid application has been fully implemented on site and that the mix of development in the current scheme is more focused towards the delivery of traditional housing, at a lower density, rather than apartments. In addition, the following works would still be required to be provided on site to enable the development: -

- Abnormal foundations to each of the dwellings and the garages proposed on site.
- Ground Works and Earth Works – there will need to be a significant ‘cut and fill’ works to the current ground across the site, and fill material will be required to be imported to the site. There will also need to be a piling mat and clean cover membrane to each of the rear gardens to the properties.
- Drainage – there will be a requirement for over-sized drainage due to the fill material being imported for clean cover.
- Externals (Extra-Over Costs) – there will be a requirement for permeable paving to all drives (which is an extra over cost).
- Retaining Structures – there will be works required to an existing retaining structure to Groveley Lane and the associated footpath, along with a Gabion retaining wall along the railway boundary. There will also be a requirement for retaining walls throughout the remainder of the site.
- Abnormal Superstructure Requirements – there will be a requirement for ‘over build’ to the foundations of each dwelling, along with the requirement for acoustic windows for dwellings along the railway line.
- Services – Existing services will be required to be diverted and a substation will also be required on site.
- Landscaping – a noise impact fence and landscaping area will be required, along with a slope and buffer zone being required near to the tunnels under Groveley Lane.
- Specification – the proposals also include for Electric Vehicle Charging Points (EVCPs) to all of the market dwellings, and sheds to all dwellings without garages along with other specification upgrades.

In respect to assessing the level of developers’ return on a development, the Planning Practice Guidance promotes the use of ‘standardised inputs’ to viability assessment, and suggests levels of developer’s return ranging from 15% to 20% for market housing, and a lower level of return for affordable housing, as appropriate appraisal benchmarks.

In respect to development costs, the following has been taken into account:-

- The land value,
- Professional fees,
- Stamp duty,

- Construction costs for the current scheme including contingency,
- Site costs to date including Section 278 (highway) works
- Village hall/community centre costs
- Abnormal costs and fees (as mentioned above), and contingency on abnormal costs.

The findings set out in the Viability Statement states that the developer's return for risk (i.e. profit) of +10.09% is produced for the revised scheme where 10% affordable housing and no other planning obligations are provided. This indicates that the scheme with 10% affordable housing produces a profit below the target level of developer's return that we would anticipate of 20% on the market housing and 6% on the affordable housing (which generates a blended profit return of approximately 19.5%. Hence, there is no surplus for Section 106 contributions and no further scope to provide affordable housing in addition to the 10% assumed in the appraisal.

The Council's Viability Advisor has considered the findings of the Viability Statement and acknowledges that a significant amount of costs have been incurred in connection with the site to date given the demolition of the existing buildings and some of the remediation works required to be undertaken.

There has also been a range of Section 278 works that have already been undertaken by the applicant to facilitate the development of the site, the adjacent community centre and adjacent phases of residential development. Whilst these costs have been incurred they benefit other sites and a pro rata figure has been applied on a land area basis. The Council's Viability Advisor has applied a slightly higher sales value for some of the housetypes.

The investment in the site to date and abnormal costs have been fully substantiated with detailed breakdowns of quantities and costs, relevant supporting information and site surveys. Whilst the assessment is very subjective and whilst it is clear that the applicant has invested significantly in promoting and bringing the site forward for redevelopment, some works would be required in order to use the site for other purposes. The community centre was delivered as part of the wider Longbridge East development in accordance with the hybrid permission. Accordingly, the output of the Council's appraisal on the basis of 10% affordable housing and with the inclusion of Section 106 contributions totalling £196,343 provides a profit of 19.35%. The Council's Viability Advisor considers this to be broadly consistent with market expectations for a development of this nature having regard to the overall complexity and risk in bringing the site forward.

To conclude, the Council's Viability Advisor is of the opinion that the provision of 10% on-site affordable housing on the basis of the unit types and tenure mix, and total Section 106 contributions of £196,343 is considered appropriate.

Following on from the dialogue between the Viability Advisors, the applicant is agreeable to the Heads of Terms and a Section 106 Agreement is in the process of being drafted.

## **Conclusion**

The principle of residential development is acceptable. The means of access to the site enables improved connectivity for this area of the East Works site. The proposal would not conflict with the Proposals set out in the LAAP, and complies with policies in the



adopted Bromsgrove District Plan and guidance set out in the Council's High Quality Design SPD. The principle of residential development would also be compliant with the NPPF.

**RECOMMENDATION:**

- (a) MINDED to GRANT full planning permission
- (b) That DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
- (i) £5,694.00 as a contribution towards the provision of wheelie bins for the scheme.
  - (ii) £41,262.00 as a contribution towards the extension of New Road Surgery, Rubery and/or Cornhill Surgery, Rubery.
  - (iii) £21,203.00 as a contribution to be paid to the Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large.
  - (iv) The securing of 10% provision (11 units) of on-site affordable housing.
  - (v) £33,572.00 Cofton Park - contribution towards improvements to access, signage and security and outdoor fitness equipment including additional maintenance costs.
  - (vi) £67,144.00 Lickey Hills Country Park - contribution to be applied towards the refurbishment of the toposcope (the folly) and car park at Beacon Hill also general refurbishment of paths and improvements to accessibility inclusive of additional maintenance costs to other key areas such as Warren Lane, Upper Car Park and Visitor Centre car park.
  - (vii) £27,468.00 Cofton Hackett open space enhancements - general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
  - (viii) Planning Obligation Monitoring Fee: £TBC
- (c) And that DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report

**Conditions:**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.  
  
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice: (to be finalised).  
  
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The Development hereby permitted shall not be first occupied until each dwelling have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance. REASON: To encourage sustainable travel and healthy communities.

- 5) Secure cycle parking shall be provided in garages and sheds in rear gardens in accordance with the Site Layout Plan (ref. 21010\_P101 B) and shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

- 6) The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

- 7) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- Details of site operative parking areas, material storage areas and the location of site operative's facilities (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 8) The landscaping details including proposed fencing, screen walls etc. shown on Dwg. No.s (to be finalised) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 9) All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 10) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:
1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
  2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
  3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 11) Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) A scheme of groundwater monitoring and any further remediation requirement shall be carried out and undertaken in accordance with the PJA Report; "St. Modwen Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy" dated October 2019. Document Ref: 03787-OUT-0007, including the following component parts:

1. Physical and Chemical monitoring of the aquifer and reporting of the results shall be undertaken in accordance with the PJA Report; "St. Modwen

Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy”, dated October 2019. Document Ref: 03787-OUT-0007.

2. If monitoring in 1 identifies a deterioration in groundwater or surface water indicators, then further risk assessment will be undertaken in accordance with the PJA Report; “Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A”. Doc Ref: 03787-OUT-0009, Dated October 2019.

3. If the further assessment of risks in 2 identifies the plume is no longer in a stable condition or if the modelling predicts levels of contaminant migration away from the Site that may put the identified receptors at significant risk then a ‘remediation options appraisal’ will be undertaken in accordance with the PJA Report; “Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A”. Doc Ref: 03787-OUT-0009, Dated October 2019.

4. (a) The most effective remediation option developed from 3 shall be agreed in writing with the Local Planning Authority (LPA) in consultation with the Environment Agency. Once agreed a detailed remediation strategy (including a ‘verification plan’) for this option will be submitted to the LPA for approval, in consultation with the Environment Agency.

(b) Any ‘verification plan’ shall provide details of the data that will be collected in order to demonstrate that the works set out in (4a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5. A verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (part 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented as approved.

REASON: To ensure groundwater monitoring and implementation, where necessary, of a remediation strategy to protect ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

- 13) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan

(a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

- 14) The proposed acoustic fencing as indicated on Dwg. No. (to be finalised) to be provided on plots (to be finalised) shall be implemented before any of these plots are first brought into use and retained as such in perpetuity.

Reason: In the interests of residential amenities.

- 15) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority documentation detailing the proposed implementation of the noise mitigation recommendations of the Hoare Lea Noise Assessment R2 (dated 31/10/2016) with respect to glazing and ventilation for the proposed residential dwellings. These measures shall be implemented as approved.

Reason: In the interests of residential amenities.

- 16) No works or development above foundation level shall take place until a finalised scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. This should include the following details :-
- o A for construction drainage plan detailing :-
  - o private connections
  - o All finalised porous paving areas
  - o Relevant underdrains which connect to the main surface water drainage system
  - o Calculations indicating the offsite discharge rate and any flooded volumes indicated.

The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

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